



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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October 30, 2023

BY ECF

Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Joseph Srour v. City of New York, et. al.,
22-CV-0003 (JPC)

Your Honor:

Pursuant to Your Honor's Orders dated October 24, 2023, the parties write jointly with regard to "a proposed discovery plan regarding Srour's damages claims, as well as a proposed briefing schedule for Srour's anticipated motion for attorneys' fees and costs." See Opinion and Order at pp. 46 and 47.

As the Court is aware, Defendants are appealing the Decision and Order with respect to the declaratory judgement and permanent injunction of New York City Administrative Code §§ 10-303(a)(2) and (a)(9) and are seeking a stay of the injunction before the Second Circuit Court of Appeals today. Further, on October 29, 2023, Plaintiff filed a Complaint entitled *Joseph Srour v. New York City, et. al.*, 23-CV-9489 in which Plaintiff, inter alia, again raises an as applied challenge arising out of the denials of his applications in 2018 and 2019. Plaintiff has also filed a Statement of Relatedness. Due to significant overlap between the facts in this matter and *Srour II*, the parties believe that there will likely also be significant overlap between any decision or discovery in *Srour II* and this matter. Accordingly, the parties believe it would be most efficient to postpone scheduling discovery on damages in this matter until a case management plan can also be entered for *Srour II*.¹

¹ Plaintiff states that the *Srour II* Complaint was served on the City of New York and Commissioner Caban today, October 30, 2023, and has not yet been served on Nicole Berkovich.

To the extent the Court determines that the two matters are not related, or that discovery on damages in this matter should go forward independently of Srouer II, Defendants request 10 weeks to conduct discovery regarding any damages with regard to Srouer I only. Specifically, Defendants intend to serve Interrogatories and Document Requests regarding damages claimed, and to depose Plaintiff.²

Finally, given that there is a pending appeal and potentially outstanding discovery, the parties respectfully submit that any motion for attorney's fees and costs be taken up following resolution of the appeal.

We thank the Court for its attention to this matter.

Respectfully submitted,

/S

Aimee K. Lulich
Senior Counsel

² Should Plaintiff identify other individuals with knowledge or information regarding damages, Defendants would also depose those individuals.